

MINUTES OF THE CANANDAIGUA CITY
COUNCIL MEETING
THURSDAY, DECEMBER 3, 2015 7:00 P.M.
City Council Chambers
City Website: canandaiguanewyork.gov

Mayor Polimeni called the meeting to order at 7:06 PM

Pledge of Allegiance:

Roll Call:

Members Present: Councilmember Ward 1 Nick Cutri
Councilmember Ward 4 Cindy Wade
Councilmember-at-Large Maria Bucci
Councilmember-at-Large Donna Cator
Councilmember-at-Large David Whitcomb
Mayor Ellen Polimeni

Members Absent: Councilmember Ward 2 Ian Boni (Another Engagement)
Councilmember Ward 3 Karen White (Illness)
Councilmember-at-Large James Terwilliger (Away on Business)

Also Present: City Manager David R. Forrest
Corporation Counsel Michele O. Smith
City Clerk-Treasurer Nancy C. Abdallah
Assistant City Manager John D. Goodwin

Review Core Values: Councilmember-at-Large Cator read the Community Core Values: As residents, city staff and appointed & elected officials of the City of Canandaigua, our decisions and actions will be guided by these core values: Responsive, Participatory Governance; Caring & Respect; Integrity; Heritage; Stewardship; and Continuous Improvement.

Approval of Minutes:

Councilmember Ward 1 Cutri moved for the approval of the Council Minutes of October 1, 2015.
Councilmember Ward 4 Wade seconded the motion.

Vote Result: Carried unanimously by voice vote. (6-0)

Recognition of Guests:

- David Keefe, Genesee Region Clean Communities which is part of the coalition is part of the U.S. Department of Energy's Clean Cities program; spoke to the Council about installing charging stations for electric cars in the City of Canandaigua.

Committee Reports: No Committee reports due to Budget Workshops

Resolutions:

Resolution #2015-089:

Moved: Councilmember-at-Large Bucci
Seconded: Councilmember-at-Large Cator

**A RESOLUTION ACCEPTING DRAFT ACTION SHEETS FOR THE ONTARIO COUNTY
MULTI-JURISDICTIONAL ALL HAZARD MITIGATION PLAN.**

WHEREAS, the City of Canandaigua is participating in the Ontario County Multi-Jurisdictional All Hazard Mitigation Plan; and

WHEREAS, said update shall include steps for implementation to occur in the City of Canandaigua as described in the draft action worksheets presented to the City Council; and

WHEREAS, the City of Canandaigua has reviewed the draft action worksheets and has determined that the described actions are necessary to reduce the potential for negative impacts from future flooding and other likely disasters;

NOW, THEREFORE, BE IT RESOLVED that City Council of the City of Canandaigua hereby accepts the draft action worksheets, and determines that they are suitable for inclusion in the updated Ontario County Multi-Jurisdictional All Hazard Mitigation Plan.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Council Member Ward 1 Cutri, Councilmember Ward 4 Wade, Councilmember-at-Large Bucci, Councilmember-at-Large Cator, Councilmember-at-Large Whitcomb and Mayor Polimeni.

NOES: None.

Resolution #2015-090: Tabled to the December 10th Council Meeting

**A RESOLUTION TO ADOPT THE 2016 BUDGET OF THE CITY OF
CANANDAIGUA AND TO APPROPRIATE REVENUES AND EXPENDITURES
FOR PURPOSES SPECIFIED IN EACH FUND**

Resolution #2015-091: Tabled to the December 10th Council Meeting

**A RESOLUTION ESTABLISHING THE 2016 TAX LEVY AMOUNT
AND AUTHORIZING THE CLERK/TREASURER
TO SPREAD AND COLLECT THE SAME**

Resolution #2015-092:

Moved: Councilmember-at-Large Cator
Seconded: Councilmember Ward 4 Wade

A RESOLUTION AUTHORIZING COLLECTION OF COUNTY TAXES

BE IT RESOLVED, That the Canandaigua City Clerk/Treasurer is hereby directed to collect from the several persons and corporations named in the Assessment Roll to which this warrant is annexed, the several sums of money mentioned in the column thereof, to wit: the one marked “County Taxes” and set opposite to the name of such persons or corporations respectively, together with your fee thereon, as hereinafter provided; and further

RESOLVED, That upon delivery of said Roll and Warrant, the Clerk/Treasurer shall mail to each taxpayer against whom any tax shall be charged on such roll, at last known post office addresses, a statement of the amount of such tax, designating the Clerk/Treasurer’s Office in said City, as the place for receiving payment of the taxes from January 2nd to January 31st, both dates inclusive, from nine o’clock in the morning until four forty-five o’clock in the afternoon, and any person may pay her/his tax at the time and place designated; and further

RESOLVED, That upon all taxes collected after January 31, 2016 such Clerk/Treasurer shall collect one per centum; and after the expiration of said last day of February, collection of unpaid taxes shall proceed in the manner provided by the Statutes of the State of New York.

The motion CARRIED UNANIMOUSLY on the following vote:

***AYES:** Council Member Ward 1 Cutri, Councilmember Ward 4 Wade, Councilmember-at-Large Bucci, Councilmember-at-Large Cator, Councilmember-at-Large Whitcomb and Mayor Polimeni.*

***NOES:** None.*

Resolution #2015-093: Tabled to the December 10th Council Meeting

A RESOLUTION APPROVING THE 2016 BUSINESS IMPROVEMENT DISTRICT (BID) BUDGET, ESTABLISHING THE 2016 BID CHARGE LEVY, AND AUTHORIZING THE CLERK/TREASURER TO SPREAD AND COLLECT THE SAME

Resolution #2015-094: Tabled to the December 10th Council Meeting

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO CONTRACTS WITH SELECTED OUTSIDE AGENCIES AS APPROVED IN THE 2016 BUDGET

Resolution #2015-095:

Moved: Councilmember-at-Large Whitcomb
Seconded: Councilmember Ward 1 Cutri

A RESOLUTION ADOPTING THE CITY OF CANANDAIGUA FEE SCHEDULE

WHEREAS, in accordance with the Municipal Code of the City of Canandaigua, various fees pertaining to applications, permits, inspections, and services shall be set by resolution of the City Council, and;

WHEREAS, the City Council has reviewed the proposed “City of Canandaigua Fee Schedule” as part of its 2016 budget process;

NOW, THEREFORE, BE IT RESOLVED by the Canandaigua City Council that:

Section 1. The “City of Canandaigua Fee Schedule” shall be adopted as attached.

Section 2. Said fees shall take effect January 1, 2016.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Council Member Ward 1 Cutri, Councilmember Ward 4 Wade, Councilmember-at-Large Bucci, Councilmember-at-Large Cator, Councilmember-at-Large Whitcomb and Mayor Polimeni.

Resolution #2015-096:

Moved: Councilmember Ward 1 Cutri
Seconded: Councilmember-at-Large Cator

A RESOLUTION AWARDED A CONSTRUCTION CONTRACT FOR THE REMOVAL, REPAIR AND REINSTALLATION OF ONE VERTICAL TURBINE PUMP AT THE CITY OF CANANDAIGUA WATER TREATMENT PLANT

WHEREAS, the City of Canandaigua, as a part of its on-going maintenance of the water treatment plant, wishes to have one vertical turbine pump fully refurbished; and

WHEREAS, the City publicly advertised for bids and directly contacted seven qualified contractors for the removal, repair and reinstallation of the one pump to be refurbished; and

WHEREAS, bids for the required work were received on November 6, 2015, with one contractor submitting a bid; and

WHEREAS, the bid from Estabrook Corporation, 1 Keuka Business Park, Penn Yan, New York 14527, in the amount of \$34,135, has been judged to be the lowest responsive bid; and

WHEREAS, funding for this construction has been requested in the City of Canandaigua 2016 budget as a part of the water fund; and

WHEREAS, the City Manager and the Director of Public Works recommend a contract be awarded to Estabrook Corporation to complete the necessary refurbishments;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby authorizes the City Manager to execute a contract with Estabrook Corporation, 1 Keuka Business Park, Penn Yan, New York 14527, to complete the necessary pump refurbishments for a fee not-to-exceed \$34,135 contingent upon the required funds being included in the adopted 2016 City of Canandaigua budget.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Council Member Ward 1 Cutri, Councilmember Ward 4 Wade, Councilmember-at-Large Bucci, Councilmember-at-Large Cator, Councilmember-at-Large Whitcomb and Mayor Polimeni.

Resolution #2015-097:

Moved: Councilmember-at-Large Cator

Seconded: Councilmember Ward 4 Wade

**A RESOLUTION AWARDING A FERROUS CHLORIDE SUPPLY CONTRACT FOR THE
WASTEWATER TREATMENT FACILITY**

WHEREAS, the Wastewater Treatment Facility uses ferrous chloride to assist in the treatment of sewage; and

WHEREAS, a bid opening was scheduled on November 13, 2015, to supply ferrous chloride for 2016 and for two one-year, mutually agreed upon, extensions; and

WHEREAS, eight bidders were contacted, five failed to respond, one chose not to bid and two submitted bids; and

WHEREAS, Slack Chemical Company submitted the low bid of \$0.565 per gallon; and

WHEREAS, funding for this chemical usage was requested in the Proposed 2016 Wastewater Treatment Facility Operating Budget; and

WHEREAS, the Director of Public Works and the City Manager recommend the contract be awarded to Slack Chemical Company, Inc., PO Box 30, 465 S. Clinton Street, Carthage, NY 13619, to supply ferrous chloride, subject to budget appropriations in the approved 2016 budget;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby authorizes the City Manager to execute a contract with Slack Chemical Company, Inc., PO Box 30, 465 S. Clinton Street, Carthage, NY 13619, subject to the appropriations in the adopted 2016 City of Canandaigua Budget, for the purchase of ferrous chloride during the 2016 calendar year at a unit price of \$0.565 per gallon; and be it further

RESOLVED that this contract may be extended annually by the City Manager for two additional one-year periods subject to the availability of adequate budget appropriations and in accordance with the provisions in the contract for adjusted rates based on certain federal and state indices and provided that all other contract terms and conditions remain unchanged.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Council Member Ward 1 Cutri, Councilmember Ward 4 Wade, Councilmember-at-Large Bucci, Councilmember-at-Large Cator, Councilmember-at-Large Whitcomb and Mayor Polimeni.

Resolution #2015-098:

Moved: Councilmember-at-Large Bucci

Seconded: Councilmember Ward 1 Cutri

A RESOLUTION DESIGNATING AN ACTING CITY MANAGER

WHEREAS, § 5.3. of the City Charter provides that, during the absence of the City Manager, the City Council may appoint another qualified individual to exercise the powers and perform the duties of the City Manager;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Canandaigua that effective January 1, 2016, Assistant City Manager John Goodwin is appointed Acting City Manager, to serve until the position of City Manager is filled; and

BE IT FURTHER RESOLVED by the City Council that the Mayor of the City of Canandaigua is hereby authorized to execute the attached Memorandum of Agreement with John Goodwin to provide additional compensation while he serves in said position.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Council Member Ward 1 Cutri, Councilmember Ward 4 Wade, Councilmember-at-Large Bucci, Councilmember-at-Large Cator, Councilmember-at-Large Whitcomb and Mayor Polimeni.

Resolution #2015-099:

Moved: Councilmember Ward 1 Cutri
Seconded: Councilmember-at-Large Bucci

A RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH THE DORMITORY AUTHORITY OF THE STATE OF NEW YORK AND OTHER NECESSARY AGREEMENTS

WHEREAS, the City submitted a New York State Consolidated Funding Application on behalf of Canandaigua Lakefront, LLC to support the Pinnacle North project through the construction of a flex building; and

WHEREAS, the Dormitory Authority of the State of New York announced that the City of Canandaigua may be eligible for one and a half million (\$1,500,000.00) dollars in State and Municipal Facilities Program ("SAM") grant funds to be paid for the construction of the Flex building in Pinnacle North (the "Project"); and

WHEREAS, in order for the grant to be awarded, the City will need to enter into a Memorandum of Understanding and a Sub-Recipient Agreement with Canandaigua Lakefront, LLC to set forth each parties' responsibilities with respect to the SAM grant and the Project; and

WHEREAS, the City of Canandaigua, as a municipality, is considered an eligible grantee by New York State and will need to sign the grant contract; and

WHEREAS, Canandaigua Lakefront, LLC will be responsible for coordinating the implementation of the grant along with making sure all the various contract requirements have been met in accordance with the grant restrictions for the construction of the Project;

NOW THEREFORE, BE IT RESOLVED that the Canandaigua City Council hereby authorizes the Mayor or City Manger, as requested, to execute all necessary documents with the Dormitory Authority of the State of New York to accept and administer this grant; and

BE IT FURTHER RESOLVED that the Canandaigua City Council hereby authorizes the City Manager to execute a Memorandum of Understanding and a Sub-recipient Agreement with Canandaigua Lakefront, LLC wherein Canandaigua Lakefront, LLC assumes all responsibilities with respect to this grant compliance and administration.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Council Member Ward 1 Cutri, Councilmember Ward 4 Wade, Councilmember-at-Large Bucci, Councilmember-at-Large Cator, Councilmember-at-Large Whitcomb and Mayor Polimeni.

Resolution #2015-100:

Moved: Councilmember Ward 4 Wade

Seconded: Councilmember Ward 1 Cutri

A RESOLUTION APPOINTING MEMBERS TO THE ZONING BOARD OF APPEALS

WHEREAS, pursuant to the City Charter, the City Council must appoint all members to the Zoning Board of Appeals; and

WHEREAS, there are several vacancies on said Board, which require appointment or reappointment of members;

NOW, THEREFORE, BE IT RESOLVED, that the following are hereby appointed to the indicated Board;

City Zoning Board of Appeals (3 year terms)

- Appointment of Dwight Symonds to his first term expiring December 31, 2018;
- Appointment of Andrew Cotter to his first term expiring December 31, 2018;
- Appointment of James Hitchcock to fill the unexpired term of Robert O'Brien expiring December 31, 2017;
- Appointment of Joe Bader to fill the unexpired term of Colin Diehl expiring December 31, 2016.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Council Member Ward 1 Cutri, Councilmember Ward 4 Wade, Councilmember-at-Large Bucci, Councilmember-at-Large Cator, Councilmember-at-Large Whitcomb and Mayor Polimeni.

Ordinance:

Ordinance #2015-008: *(Introduced and tabled at the November 5, 2015 City Council Meeting)*

**AN ORDINANCE AMENDING THE ZONING ORDINANCE:
ARTICLE V: ESTABLISHMENTS OF ZONE DISTRICTS**

Lift from the table:

Moved: Councilmember-at-Large Whitcomb
Seconded: Councilmember Ward 4 Wade

Vote Result: Carried unanimously by voice vote. (6-0)

Vote on Ordinance:

Moved: Councilmember-at-Large Whitcomb
Seconded: Councilmember Ward 4 Wade

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Council Member Ward 1 Cutri, Councilmember Ward 4 Wade, Councilmember-at-Large Bucci, Councilmember-at-Large Cator, Councilmember-at-Large Whitcomb and Mayor Polimeni.

Local Law: *(Introduced and tabled at the November 5, 2015 City Council Meeting)*

Local Law #2015-001:

**A LOCAL LAW ESTABLISHING AND IMPOSING SEWER
RENTS IN THE CITY OF CANANDAIGUA**

City Council will not be acting on this Local Law. The sewer rate did not change for 2016.

Manager's Report: City Manager David R. Forrest gave the following report:

- There will be two consecutive weeks of recycling pickup at the end of the year, the week of December 21st and 28th. The two week schedule will resume in 2016 and the calendar can be found on the City's website.

Appointments:

- Councilmember-at-Large Bucci moved the following reappointments to the Planning Commission: Jeffrey Ayers, Torsten Rhode, and Glenn Colliss. Councilmember Ward 4 Wade seconded the motion.
Vote Result: Carried unanimously by voice vote. (6-0)
- Councilmember Ward 4 Wade moved the following reappointment to the Board of Assessment Review: James Irwin. Councilmember Ward 1 Cutri seconded the motion.
Vote Result: Carried unanimously by voice vote. (6-0)

Executive Session:

Councilmember Ward 4 Wade moved to close the regular meeting to go into Executive Session at 7:50 PM to discuss pending litigation and the employment history of a particular person. Councilmember-at-Large Bucci seconded the motion.

Vote Result: Carried unanimously by voice vote (6-0)

Regular Session:

Councilmember-at-Large Whitcomb moved to close the executive session and return to the regular meeting at 8:24 PM. Councilmember Ward 1 Cutri seconded the motion.

Vote Result: Carried unanimously by voice vote (6-0).

Adjournment

Councilmember-at-Large Whitcomb moved to adjourn the regular session at 8:24 PM. Councilmember Ward 1 Cutri seconded the motion.

Vote Result: Carried unanimously by voice vote (6-0).

Nancy C. Abdallah, Clerk Treasurer
City of Canandaigua